

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSE ALBERTO GARCIA,)	CASE NO.: 1:21-cv-00331-NONE-SAB
)	
Plaintiff,)	ORDER RE STIPULATION TO ALLOW
v.)	PLAINTIFF TO FILE A FIRST
)	AMENDED COMPLAINT
COUNTY OF STANISLAUS, et al.)	
)	(ECF No. 13)
Defendants.)	
)	
)	

Plaintiff Jose Alberto Garcia filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 4, 2021. (ECF No. 1.) On April 1, 2021, the parties filed a stipulation for an extension of time for Defendants to file a responsive pleading. (ECF No. 11.) Defendants' responsive pleading is due April 19, 2021. (Id.) On April 16, 2021, a stipulation was filed to allow Plaintiff to file a first amended complaint. (ECF No. 13.)

Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend their pleading once as a matter of course at any time before a responsive pleading is served. Fed. R. Civ. P. 15(a)(1). Otherwise, a party may amend only by leave of the court or by written consent of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2).

Here, no responsive pleading has been filed, so no order is necessary for Plaintiff to file

1 an amended complaint. As Plaintiff has indicated that he intends to file an amended complaint,
2 Defendants shall be relieved from the August 19, 2021 deadline to file a pleading responsive to
3 the complaint.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff SHALL FILE a first amended complaint on or before **May 26, 2021**;
- 6 2. Defendants SHALL FILE a responsive pleading within **fourteen (14) days** of the
7 filing of the amended complaint;
- 8 3. The scheduling conference set for June 10, 2021 is CONTINUED to **September**
9 **9, 2021, at 9:00 a.m.**; and
- 10 4. The parties SHALL FILE a joint scheduling report **seven (7) days** prior to the
11 scheduling conference.

12 IT IS SO ORDERED.

13 Dated: **April 20, 2021**



UNITED STATES MAGISTRATE JUDGE